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SUBJECT: COSTA RICAN VOTING PROCEDURES FOR FEBRUARY 5

1. Summary: Costa Rica has a long tradition of free and fair elections. We expect no problems on February 5 when voters will choose a new president and national legislature. Perhaps the most interesting outcome, besides who wins, will be the level of voter turnout. Historically very high in Costa Rica at about 80 percent, voter turnout dropped to 60 percent in 2002, and many political observers expect it to drop further this year. End Summary.

2. On Sunday, February 5, Costa Ricans will elect a new president along with first and second vice presidents, the members of the Legislative Assembly (deputies), and the members of the country's 81 municipal councils, all for four-year terms. What makes these elections particularly momentous is that nationally elected officials (presidents, vice presidents, and deputies) cannot serve consecutive terms. Thus, there will be a complete turnover of government at the national level.

3. The president and vice presidents, who run together on a ticket, are directly elected by the people nationwide. Deputies, however, run on party lists at the provincial level. (Provinces exist for electoral and bureaucratic purposes. There are no provincial governments.) Representation in the 57-member unicameral Assembly is according to party vote in each of the seven provinces. The province with the largest population, San Jose, gets 20 deputies, and the smallest, Guanacaste, four deputies. If a party in San Jose province gets half the vote, for example, the top ten people on its list will be elected.

4. Voters therefore have to make three choices: president (along with vice presidents); party preference for the Legislative Assembly; and party preference for their municipal council. Voters can split their vote, but they cannot hand-pick deputies or municipal council members. Party structures decide who is on the list and in what order. For the Assembly, the presidential candidates usually have a big say about the names on their party lists.

5. The Constitution requires the winner for president to obtain at least 40 percent of the vote to avoid a runoff election with the second-place candidate. Since the constitution was adopted in 1949, there has been only one runoff election--in 2002. A runoff in 2006, if necessary (which is doubtful), would take place on April 2.

6. For more than 50 years Costa Rica has been a stable two-party democracy with voter turnout on the order of 80 percent. There has been a fairly regular alternation of power between the National Liberation Party (PLN) and the Social Christian Unity Party (PUSC). In 2002, the Citizens' Action Party (PAC), which is to the left of the two centrist traditional parties, emerged as a significant third-party force in Costa Rica; at the same time, voter turnout dropped to an all-time low of about 60 percent. This year a party of the right, the Libertarian Movement (ML), is expected to get up to 15 percent of the vote, beating out PUSC. Voter turnout may drop even lower this year than it was in 2002.

7. The Supreme Electoral Tribunal (TSE) administers elections. During an election period there are five TSE magistrates and four alternates. They are appointed by the Supreme Court and serve six-year terms. The TSE tracks and publishes political contributions. Since 1948, when alleged election fraud led to a brief civil war, elections in Costa Rica have been free and fair. Allegations of fraud at the ballot box are now rare. More common are allegations of irregularities in the financing of political campaigns.

8. Most voting is by paper ballots, which are counted by hand. Computer voting was introduced on a pilot basis during mayoral elections in December 2002. There will be some computer voting in the February 2006 elections as well, but still on a trial basis. Voters must go to the polls; there is no absentee voting. The voting age is 18.

9. Election days in Costa Rica are festive occasions. Although party representatives may not interfere with voters or instruct them how to vote, they may set up "informational tables" directly in front of the polling places. The tables are decorated with party colors and pictures of presidential candidates (which also appear on the ballot), and

representatives wear party T-shirts and buttons. The competition is good-natured.

10. A cherished Costa Rican tradition, and example of civic education, is children's voting on election day. Children can vote on a children's ballots, with the same candidates that are on their parents' ballots, at "polling places" in schools, other public building, hotels, and, most notably, the Children's Museum in the capital.

11. The TSE provides credentials for both national and international election observers. Embassy will have 18 observers, including the Ambassador, to visit polling places on February 5.

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